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tion in the statute allowing sales by bakers on Sunday did not apply to those merely dealing in the products of bakeries. The delivery of milk on Sunday has been held to be a work of necessity, *City of Topeka v. Hempstead*, 58 Kan. 328; but in *Com. v. Martin*, 7 Pa. Co. Ct. 154, it was held that the sale of milk was a "worldly employment" and prohibited by the Sunday Act. The sale and delivery of ice or fresh meat on Sunday is not a work of necessity. *State v. James, supra*. The sale of soda-water and fruit is not a work of necessity. *Com. v. Hengler, supra*; *Gulfport v. Stratakos*, 90 Miss. 489. It has been held that publishing and circulating Sunday papers is not a work of necessity. *Com. v. Matthews*, 152 Pa. St. 166; *Com. v. Dale*, 144 Mass. 363. The sale of cigars is not a work of necessity, *State v. Ohmer*, 34 Mo. App. 115; and this is true although the sale be made to a habitual smoker, *Mueller v. State*, 76 Ind. 310. The principal case seems indicative of a present tendency of the Courts toward increasingly liberal constructions of the term "necessity" as applied to Sunday statutes.

TORTS—LIABILITY OF MASTER FOR TORT BY INSANE SERVANT.—Conductor on defendant's railway train assaulted, cursed, and abused plaintiff. Defense was that the conductor was insane. Held, insanity of conductor was no defense. *Chesapeake & O. Ry. Co. v. Francisco* (Ky. 1912), 148 S. W. 46.

By the great weight of authority, an insane person, to the extent of compensation, is just as responsible for his torts as a sane person, except, perhaps, for those torts in which malice is a necessary ingredient. *Feld v. Borodofski*, 87 Miss. 727, 40 So. 816; *Ullrich v. N. Y. Press Co.*, 50 N. Y. Supp. 788, 23 Misc. Rep. 168; *McIntyre v. Sholty*, 24 Ill. App. 605; *Cross v. Kent*, 32 Md. 581; *Jewell v. Colby*, 66 N. H. 399, 24 Atl. 902; *Kirby v. Schoonmaker*, 3 Barb. 46; *Young v. Young* (Ky. 1910), 132 S. W. 155; *Bollinger v. Rader* (N. C. 1910), 69 S. E. 497; *Moore v. Horne* (N. C. 1910), 69 S. E. 409. Compare *Williams v. Hays*, 157 N. Y. 541, 52 N. E. 589. In the principal case the court reasons that since the insane person is liable for his torts, an employer cannot plead a servant's insanity as a defense to an action against him for the torts of such servant. It is also true that a carrier is liable for personal injuries to passengers resulting from its failure to employ competent servants. *Caveny v. Neely*, 43 S. C. 70, 20 S. E. 806; *Grand Rapids & I. R. Co. v. Ellison*, 177 Ind. 234, 20 N. E. 135; *McAllister v. People's Ry. Co.* (Del.) 4 Penn. 272; 54 Atl. 743; *Blumenthal v. Union Electric Co.*, 129 Ia. 322, 105 N. W. 588; *Hansberger v. Sedalia Electric Ry., L. & P. Co.*, 82 Mo. App. 566.

WILLS — CONSTRUCTION — SPENDTHRIFT TRUSTS.—Under a devise to two grandchildren, subject to a trust to take, hold, and manage the estate so devised until certain contingencies, enough only of the profits thereof were to be used in the meantime for education and support. The contingencies were that if either died before children born, his share of the estate should go to the other, and if they both died without children born, their share of the estate should be distributed to the other beneficiaries. Held, that since this was a spendthrift trust, it continued until the death of the survivor. *McCoy v. Houck* (Ind. 1912), 99 N. E. 97.